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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
vs.  
  
NICHOLAS EDDARDS,  
  
Defendant.

CASE NO: 2:19-cr-00289-JAD-NJK

**UNOPPOSED MOTION TO CONDUCT A  
PRE-PLEA PRESENTENCE REPORT  
AND PROPOSED ORDER**

COMES NOW, NICHOLAS EDDARDS, by and through his attorney of record,  
RACHAEL E. STEWART, ESQ., and hereby moves this Honorable Court to order the United  
States Department of Parole & Probation to conduct a pre-plea presentence report of  
NICHOLAS EDDARDS.

This request is based upon the pleadings and papers on file herein, the attached  
Memorandum of Points and Authorities, and any oral argument the Court may entertain.

Dated this 28th day of June, 2022.

/s/ Rachael E. Stewart  
RACHAEL E. STEWART, ESQ.  
Nevada Bar No. 14122  
400 S. 4<sup>th</sup> Street, Suite 500  
Las Vegas, Nevada 89101  
*Attorney for Nicholas Eddards*

**MEMORANDUM OF POINTS AND AUTHORITIES****I. STATEMENT OF FACTS**

On November 5, 2019, a grand jury returned an Indictment charging Mr. Eddards as follows: Count 1- Conspiracy to Distribute a Controlled Substance – Methamphetamine; Count 2- Distribution of a Controlled Substance – Methamphetamine; Count 3- Felon in Possession of a Firearm; and Count 5- Use and Possession of a Firearm During and in Relation to and in Furtherance of a Drug Trafficking Crime. This case is scheduled for trial on August 23, 2022.

**II. LEGAL ARGUMENT**

A presentence investigation may be initiated prior to entry of a guilty plea or nolo contendere or prior to the establishment of guilt. *See*, Fed. R. Crim. P. 32.

Here, Counsel requires a pre-plea presentence report to determine Mr. Eddards' criminal history score in order to advise Mr. Eddards regarding potential plea negotiations. Counsel understands that Mr. Eddards has prior felony convictions, however, Counsel cannot accurately calculate whether Mr. Eddards qualifies for sentencing enhancements without the information that would be provided in the Pre-Plea PSR. Mr. Eddards' criminal history will drastically impact his sentencing exposure, potential negotiations, and his decision as to how he should proceed in this matter. In addition, the timing of Mr. Eddards' prior convictions could impact his sentencing guideline range and criminal history score. A pre-plea presentence report will promote judicial economy and could greatly expedite the manner in which this case is resolved. Furthermore, Mr. Eddards consents to the pre-plea presentence investigation.

Counsel for Mr. Eddards has spoken to Counsel for the Government, and the Government does not oppose the instant motion. Additionally, the parties request that the Pre-

1 Plea PSR be prepared on an expedited basis so the parties can work through potential  
2 negotiations prior to trial.

3 Therefore, undersigned Counsel respectfully requests that this Court issue an Order  
4 directing the United States Department of Parole & Probation to conduct a pre-plea  
5 presentence report of Mr. Eddards on an expedited basis.  
6

7 **III. CONCLUSION**

8 Based on the foregoing, Mr. Eddards respectfully requests that this Court grant his  
9 Motion to Conduct a Pre-Plea Presentence Report. Mr. Eddards further requests this Court  
10 order the United States Department of Parole & Probation to conduct a pre-plea presentence  
11 report of Mr. Eddards.  
12

13 Dated this 28<sup>th</sup> day of June, 2022.

14 /s/ Rachael E. Stewart  
15 RACHAEL E. STEWART, ESQ.  
16 Nevada Bar No. 14122  
17 400 S. 4<sup>th</sup> Street, Suite 500  
18 Las Vegas, Nevada 89101  
19 *Attorney for Nicholas Eddards*  
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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS EDDARDS,

Defendant.

CASE NO: 2:19-cr-00289-JAD-NJK

**ORDER**

IT IS HEREBY ORDERED that Defendant's motion, Docket No. 103, is GRANTED.  
United States Probation will prepare a Pre-Plea Presentence Report for Defendant NICHOLAS EDDARDS on an expedited basis.

DATED: June 29, 2022.

  
UNITED STATES MAGISTRATE JUDGE